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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/713,595 | 11/14/2003 | Adam C. Braun | IMM078C | 2009 |

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| EXAMINER | |
|---|---|
| THAI, TUAN V | |
| **ART UNIT** | **PAPER NUMBER** |
| 2186 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 03/22/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/713,595 | BRAUN ET AL. | |
| | Examiner | Art Unit | |
| | Tuan V. Thai | 2186 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *21 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *61-66* is/are pending in the application.

4a) Of the above claim(s) *1-60* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *61,62 and 64-66* is/are rejected.

7)☒ Claim(s) *63* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

**Part III DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to Applicant's communication filed December 21, 2006. This amendment has been entered and carefully considered. Claims 61-66 remain pending in the application. Claims 61-62 and 64-66 are rejected. Claim 63 is objected to. Claims 1-60 have been canceled.

2. The rejection of claims 61-66 under 35 USC § 112 first paragraph is withdrawn due to the amendment filed December 21, 2006.

3. The rejection of claims 61-66 under 35 USC § 101 is withdrawn due to the amendment filed December 21, 2006.

4. Applicant's arguments with respect to the rejected claims have been fully considered but they are not deemed to be persuasive.

***Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 61-62 and 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (USPN: 6,047,356); hereinafter Anderson.

As per claim 61; Anderson discloses the invention as claimed includes creating a representation of a device memory in a computer memory (e.g. see column 2, lines 32 et seq.; storing a force effect in a cache allocated in the computer memory (e.g. see column 3, lines 17 et seq.; determining whether the device memory can store said force effect by examining said representation of said device memory; and sending the force effect to the device memory (e.g. see abstract; column 9, lines 6 et seq.);

As per claim 62, Anderson discloses force effect is sent to the device memory only if the device memory can store the force effect (e.g. see column 2, lines 49 et seq.);

As per claim 64, the further limitation of storing a plurality of force effects in the cache in the computer memory regardless of whether the device memory comprises sufficient

space to store the plurality of force effects (e.g. see column 8,lines 51 et seq.; column 10, lines 3 et seq.);

As per claim 65, Anderson discloses delaying the sending of said force effect to the device memory if the device memory is full (e.g. see column 10, lines 15 et seq.);

As per claim 66, Anderson discloses storing a plurality of force effects in the computer memory; sending one of the plurality of force effects to the device memory when one of the plurality of force effects is to be played; and replacing a force effect stored in said device memory with one of the plurality of force effects. Anderson discloses the invention as claimed, Anderson however does not particularly disclose a computer-readable medium encoded a computer program for performing the steps as being claimed in claims 61-66. However, one of ordinary skill in the art would have recognized that computer readable medium (i.e., floppy, cd-rom, etc.) carrying computer-executable instructions for implementing a method, because it would facilitate the transporting and installing of the method on other systems, is generally well-known in the art. For example, a copy of the Microsoft Windows operating system can be found on a cd-rom from which Windows can be installed onto other systems, which is a lot easier that running a long cable or hand typing the software onto another system. Therefore, it would have been obvious to put Anderson's program on a computer readable medium,

because it would facilitate the transporting, installing and implementing of Anderson's program on other systems.

**Allowable subject matter**

7. Claim 63 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. The prior arts of record do not teach nor suggest determining whether the device memory can store the haptic effect comprises comparing a priority of the haptic effect with a priority of a loaded haptic effect already stored in the device memory; and sending the haptic effect if the priority of the haptic effect is greater than the priority of the loaded haptic effect.

8. As per remark, Applicant's counsel asserts that Anderson does not disclose code for creating a representation of a haptic feedback device memory in a computer memory of claim 61 (amendment's page 7).

Examiner would like to emphasize that Anderson clearly discloses "*creating a representation of a haptic feedback device memory in a computer memory*"; for example, again starting at

column 1, lines 23 et seq.; Anderson clearly discloses a single node may act as both client and server and may run concurrent task.; also see column 2, lines 32 et seq.; wherein Anderson further teaches ***at least one node of the system operates as a server providing network access to files on a local disk, and at the same time operates as a client on behalf of a host computer to which it is attached via a bus interface,*** the acting as a server in which the server is known as the network node where the disk is located is equivalent to the creating of a representation of a haptic feedback device in a computer memory as being contended by Applicant's counsel.

9. Applicant's arguments filed December 21, 2006 have been fully considered but they are not deemed to be persuasive.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

11. Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Tuan V. Thai whose telephone number is (571)-272-4187. The examiner can normally be reached on from 6:30 A.M. to 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571)-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see ***http://pair-direct.uspto.gov***. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***TVT***/March 15, 2007

***Tuan V. Thai***
**PRIMARY EXAMINER**
***Group 2100***